

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 9, 2004

DIVISION ONE

B164651 People (Not for Publication)
v.
Jaime Guzman

The matter is remanded so that the trial court may correct the January 21, 2003, minute order to reflect the court's oral pronouncement of its restitution order: that defendant pay victim restitution in the amount equal to the medical expenses incurred by Ponce. The trial court also is directed to correct the abstract of judgment to reflect its victim restitution order and to forward the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B166575 People
v.
Holman

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B160966 Zawadzki
v.
Boonyachlito, et al.

Filed order denying petition for rehearing.

DIVISION FOUR (continued)

B162517 People (Not for Publication)
v.
Viveros

The conviction in count 5 for arson of property is reversed and the finding of a prior felony conviction within the meaning of Penal Code section 1170.12, subdivisions (a) through (d), 667, subdivisions (b) through (i) and Penal Code section 67, subdivision (a)(1) is reversed and the matter is remanded to the trial court for further proceedings. In all other respects the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

[illegible]

The judgment is reversed and the matter is remanded for further proceedings.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (continued)

B164600 Shashi Sood (Not for Publication)

v.

C.M. International Trading Corporation Inc.

The judgments in favor of plaintiff, Shashi Sood, and in favor of defendant, C.M. International Trading Corporation, Inc., are affirmed. Plaintiff, Shashi Sood, is to recover his costs on appeal, jointly and severally, from defendants, Chander Mittal, CM Automotive Systems, Inc., Manav Engineering Corporation, Auto Safe Devices, Inc., Allies Services & Spares, Inc., and Sameer Investments, Inc. Defendant, C.M. International Trading Corporation, Inc., is to recover its costs on appeal from plaintiff, Shashi Sood.

Turner, P.J.

We concur: Grignon, J.
 Mosk, J.

B164587 People (Not for Publication)

v.

Ronald Milligan

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B166385 People (Not for Publication)

v.

Oswaldo Cuevas

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

February 9, 2004 (Continued)

DIVISION FIVE (continued)

B167398 People (Not for Publication)
v.
Charles Jones

The matter is remanded for resentencing under Proposition 36. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

B165107 Evangelista-White (Not for Publication)
v.
White

The judgment (order) is affirmed. Costs to respondent.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B163794 People (Not for Publication)
v.
McElroy

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (continued)

B160624 Ochs, M.D. (Certified for Publication)
 v.
 Pacificare of California, et al.

The order of dismissal is reversed. The trial court is directed to vacate its order sustaining the demurrer to the first amended complaint without leave to amend and to enter a new order (1) sustaining the demurrer with leave to amend as to the seventh cause of action for negligence, and (2) sustaining the demurrer without leave to amend as to the remaining causes of action. The parties shall bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B169831 People (Not for Publication)
 v.
 Acevedo

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SEVEN

B167685 Clancey (Not for Publication)
 v.
 Twentieth Century Fox Film Corp.

The judgment is affirmed. Fox is to recover its costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (continued)

B157504 People v. Zahir (Not for Publication)
B168724 In re Zahir on Habeas Corpus

The judgment is affirmed in all respects, except that the defendant's conviction and sentencing on Count 4 is vacated. An order to show cause, returnable in the superior court, is issued on defendant's petition for habeas corpus for the trial court to conduct an evidentiary hearing.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION EIGHT

B162139 People (Not for Publication)
 v.
 Choinski

Appellant's kidnapping (count 11) and burglary (count 7) convictions are reversed. The kidnapping charge may not be retried. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B160117 People (Not for Publication)
 v.
 Britt

The judgment is reversed, and the cause remanded for re-sentencing in accordance with this opinion.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

February 9, 2004 (Continued)

DIVISION EIGHT (Continued)

B162895 People (Not for Publication)
v.
Porter Moore, III

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting -+P.J.
Boland, J.

B165202 People v. Stahley (Not for Publication)

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting -+P.J.
Boland, J.